IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.213/2003

Date of Decision :21.5.2007.

S.D.Minhas. ..Petitioner.

Versus:

Secretary Co-operative) and another. ..Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.H.K.Bhardwaj, Advocate.

For RespondentNo.1 Mr.C.B.Singh, Dy.Advocate General.

For respondent No.2. Mr.Ajay Sharma, Advocate.

Sanjay Karol, J (Oral).

The petitioner has assailed the order dated 26th October, 2002 passed by Secretary (Co-operation) to the Government of Himachal Pradesh in Case No. 15/2002 titled as S.D.Minhas Vs. M/s Shivalak Co-operative Rosin and another. The reason assigned in passing the order is that the recovery is based on the audit report. I am in agreement with the learned counsel for the petitioner that the contention raised by petitioner in his grounds of appeal has neither been referred to nor considered at all.

No doubt, the authority has considered the pendency of CWP.No.425/1995 before this Court on which the petitioner himself was basing his case , however, there are no reasons for agreeing with the

[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

impugned order passed by the Additional Registrar, Co-operative Societies, whereby a liability of Rs. 4705.65 has been fastened upon the petitioner.

With regard to the another amount learned counsel for the petitioner submits that he has already deposited a sum of Rs. 4346.34 being the admitted amount with the respondent-Society. It is clarified that since the amount has been deposited on the basis of the admission made by the petitioner before the Additional Registrar, Cooperative Societies, the same shall not be a subject matter of inquiry at all.

In this view of the matter, the impugned order dated 26th October, 2002 is set aside with a direction that case No. 15/2002 titled as S.D.Minhas Vs. Shivalak Co-operative Rosin and another shall be considered and decided on the basis of the record available with the Secretary (Co-operation).

The parties are directed to appear before the concerned authority on 31st May, 2007 who shall decide the same by a speaking order after affording due opportunity to parties within a period of eight weeks from today. Parties undertake not to take any unnecessary adjournment before the concerned authority .The writ petition is accordingly allowed and disposed of with the aforesaid direction. Copy dasti.

(Sanjay Karol),
Judge.

May 21, 2007(R)